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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/10/2024

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May 10, 2024

VIA ECF FILING ONLY

Hon. Mary Kay Vyskocil
U.S. District Court for the Southern District
of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Expeditors International of Washington, Inc. v. American Independent Line, Inc.*
Case No. 1:24-cv-01678-MKV
Request to Hold Case in Abeyance

Your Honor:

I am counsel for plaintiff Expeditors International of Washington, Inc. (“Expeditors”) in the referenced matter. I write pursuant to Your Honor’s Individual Practices Rule 4-B with the consent and joinder of defendant American Independent Line, Inc. (“AIL”). The parties request an order to hold this matter in abeyance and to adjourn the Initial Pretrial Conference, which is currently scheduled for June 11, 2024, and all related deadlines to a convenient date and time after the Washington court decides Expeditors’ motion in the underlying lawsuit.

As explained in my letter to the Court dated April 26, 2024 (DKT 13), this is an indemnity action for any liability Expeditors might be adjudged to have to Columbia Machine in the underlying lawsuit. In that underlying lawsuit, Expeditors recently scheduled with the Washington court an oral argument hearing date of July 5, 2024, the earliest available date, for Expeditors’ motion to dismiss the underlying lawsuit in favor of it being transferred to this Court for joinder with this action¹ (pursuant to contractual terms between Expeditors and Columbia Machine).

¹ A third-party action was not filed by Expeditors against AIL in the underlying lawsuit because of a New York forum selection clause in the contract between AIL and Expeditors.

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While oral argument on Expeditors' forthcoming motion is scheduled for July 5, 2024, it is unknown as to when the Washington court will rule on that motion. However, Expeditors can provide the Court and AIL with a status of that motion by July 12, 2024 and provide any further statuses as warranted.

We also write to advise that on May 9, 2024, the parties' counsel discussed the Court's Notice of Initial Pretrial Conference, and determined that compliance with certain mandates is impractical. More specifically, the parties cannot begin to negotiate settlement of a claim for indemnity, where liability and damages have not yet been established in the underlying lawsuit.

Accordingly, for the foregoing reasons, the parties request an order to hold this matter in abeyance and to adjourn the Initial Pretrial Conference and all related deadlines to a date and time after the Washington court decides Expeditors' motion in the underlying lawsuit, as we believe the Initial Pretrial Conference would be far more productive with the participation of Columbia Machine.

To the extent the Court interprets this as a motion concerning discovery as contemplated by Your Honor's Individual Practices Rule 4-A-i, Expeditors requests a pre-motion conference.

We appreciate the Court's consideration.

Very truly yours,

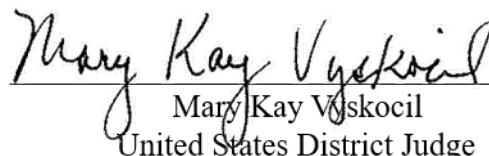
/s/ Steven W. Block

Steven W. Block
Lane Powell, PC
Counsel for Expeditors International of
Washington, Inc.

cc: Teresa Dooley, counsel for AIL

The Initial Pretrial Conference scheduled for June 11, 2024 at 11:00 AM is ADJOURNED *sine die*. The parties are DIRECTED to submit a joint letter by July 12, 2024 updating the Court as to the status of this case. SO ORDERED.

Date: 5/10/2024
New York, New York


Mary Kay Vyskocil
United States District Judge